

REMARKS

Claims 1, 3, 5-13, 15-18 and 20 remain in the case. Claims 2, 4, 14 and 19 were previously canceled. Reconsideration on the basis of the above amendments and remarks below is kindly requested.

Claims 1, 3, 5-13, 15-18 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Pereira.

Independent claim 1 has been amended to recite that the "first and second shaft sections are coupled such that they are **non-coaxially** moveable with respect to one another." Pereira does not disclose or suggest non-coaxial movement of the first and second shaft sections nor the benefit achieved thereby of positioning the main foil in a proper position for driving the device forward.

Independent claim 7 recites:

"... wherein in response to a downward driving force onto said support structure said first and second shaft sections move to said second relative position and **in said second relative position said first foil is located forward of its location in said first relative position and said second foil is presented for driving said device forward.**"

Pereira does not specify first and second shaft sections. If this undisclosed feature is inferred into the device of Pereira as being part of "front fork 53," then the lower section moves retracts coaxially into the upper section in response to a downward force. Thus, the "first foil" of Pereira moves backward towards the "second foil," whereas in the claimed invention the first foil moves forward away from the second foil.

Independent claim 12 recites:

"a first shaft section and a second shaft section **joined at said second pivot**"

and that:

"in use, movement of said first shaft section and said second shaft section **about said second pivot is in a plane that is substantially more vertical than horizontal.**"

Pereria does not disclose joining the first and second shaft sections at a second pivot, but rather infers first and second shaft sections that move coaxially with the lower section telescoping into the upper section. In addition, assuming that the Examiner is using the pivotal

attachment of front fork 53 with frame 51 (see Fig. 4) as the "second pivot," and front fork 53 and handle section 45 as the "first and second shaft sections," then movement about this pivotal attachment is in a plane substantially more horizontal than vertical. Claim 12 has been amended to include the patentably distinguishing limitation that movement of the first and second shaft sections "about said second pivot is **in a plane that is substantially more vertical than horizontal.**"

Independent claim 18 recites "a first relative position that ... propels the device forward" and "a second relative position that facilitates glide." It further recites that "**said first foil is spaced at a greater distance from said second foil in said first relative position than in said second relative position,**" or in other words, that the first foil is spaced at a greater distance from the second foil in the device propelling position. This limitation is not taught or suggested by Pereira.

Claim 20 has been amended to recite **non-coaxial movement** of the first and second shaft sections.

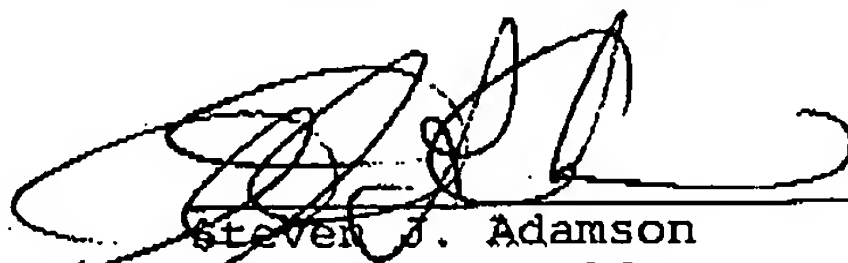
In view of the foregoing Amendments and these Remarks, Applicant respectfully submits that Claims 1,3,5-13,15-18 and 20 are now in condition for allowance and early notification of same is respectfully requested. Should the Examiner believe that a telephone conference would help further the prosecution of this case, the Examiner is requested to contact the undersigned at the listed telephone number.

The Assistant Commissioner is hereby authorized to charge underpayment of any fees (including any filing fees under 37 C.F.R. \$1.16 for additional claims and any patent application processing fees under 37 C.F.R. \$1.17 including any fee for extension of time) associated with this communication or credit any overpayment to Deposit Account No. 01-0272. A duplicate copy of this authorization is enclosed.

Respectfully Submitted
on behalf of Applicant,

Date:

8-25-05


Steven J. Adamson
Reg. No. 32,776

Steven J. Adamson, PC
P.O. Box 5997
Portland, OR 97228
Tel: 503.248.0100
Fax: 503.248.0105
sja@ip-rights.com
Cust. No.: 25,866